

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Maurice Graves,)	C/A No. 3:10-2230-JFA-JRM
)	
Plaintiff,)	
v.)	ORDER
)	
Laurnen B. Stevens, Public Defender of)	
Sumter County; and Sumter County Public)	
Defender Office;)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Maurice Graves, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983 alleging that the defendants violated his Sixth Amendment right to counsel during his state criminal proceedings. Plaintiff seeks monetary damages.

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that this case should be dismissed for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on September 30, 2010. The plaintiff

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

filed a motion to extend time to file objections which this court granted. Despite the extension of time, the plaintiff failed to file objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

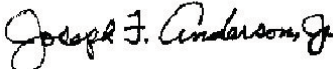
As the Magistrate Judge correctly opines, the defendants have not acted under color of state law. Therefore, the plaintiff cannot state a proper claim under § 1983.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 30, 2010
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge